

House File 2526 - Enrolled

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HOUSE FILE 2526

AN ACT

RELATING TO THE DISPOSITION OF SCHOOL PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 278.1, subsection 2, Code 2007, is amended to read as follows:

2. ~~Direct Except when restricted by section 297.25, direct~~
the sale, lease, or other disposition of any schoolhouse or
school site or other property belonging to the corporation,
and the application to be made of the proceeds thereof;

~~provided, however, that, However, nothing herein in this~~
~~section shall be construed to prevent the sale independent~~
~~action by the board of directors of the corporation to sell,~~
lease, exchange, gift, or grant ~~and acceptance, or otherwise~~
~~dispose of any interest in real or other property by the board~~
~~of directors without an election of the corporation to the~~
extent authorized in section 297.22. For the purposes of this
subsection, "dispose" or "disposition" includes the exchange,
transfer, demolition, or destruction of any real or other
property of the corporation.

Sec. 2. Section 297.22, subsection 1, Code 2007, is amended to read as follows:

1. a. The board of directors of a school district may
sell, lease, or dispose of, in whole or in part, a
schoolhouse, school site, or other property belonging to the
district. If the real property contains less than two acres,
is located outside of a city, is not adjacent to a city, and
was previously used as a schoolhouse site, the procedure
contained in sections 297.15 through 297.20 shall be followed
in lieu of this section.

b. Proceeds from the sale or disposition of real property
shall be placed in the physical plant and equipment levy fund.
Proceeds from the sale or disposition of property other than
real property shall be placed in the general fund. Proceeds
from the lease of real or other property shall be placed in
the general fund.

c. Before the board of directors may sell, lease for a
period in excess of one year, or dispose of any property
belonging to the school, the board shall hold a public hearing
on the proposal. The board shall set forth its proposal in a
resolution and shall publish notice of the time and the place
of the public hearing on the resolution. The notice shall
also describe the property. A locally known address for real
property may be substituted for a legal description of real
property contained in the resolution. Notice of the time and
place of the public hearing shall be published at least once
not less than ten days but not more than twenty days prior to
the date of the hearing in a newspaper of general circulation
in the district. After the public hearing, the board may make
a final determination on the proposal contained in the
resolution.

d. However, property having a value of not more than five
thousand dollars, other than real property, may be disposed of
by any procedure which is adopted by the board and each sale
shall be published by at least one insertion each week for two
consecutive weeks in a newspaper having general circulation in
the district.

e. For the purposes of this subsection, "dispose" or
"disposition" includes the exchange, transfer, demolition, or
destruction of any real or personal property of the school
district.

Sec. 3. Section 297.25, Code 2007, is amended to read as follows:

297.25 RULE OF CONSTRUCTION.

Section 297.22 shall be construed as independent of the
power vested in the electors by section 278.1, and as
additional to such power. If a board of directors has
exercised its independent power under section 297.22 regarding
the disposition of real or personal property of the school
district and has by resolution approved such action, the

3 4 electors may subsequently proceed to exercise their power
3 5 under section 278.1 for a purpose directly contrary to an
3 6 action previously approved by the board of directors in
3 7 accordance with section 297.22. However, the electors shall
3 8 be limited to twelve calendar months after an action by the
3 9 board to exercise such power for a purpose directly contrary
3 10 to the board's action.

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PATRICK J. MURPHY
Speaker of the House

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JOHN P. KIBBIE
President of the Senate

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3 22 I hereby certify that this bill originated in the House and
3 23 is known as House File 2526, Eighty-second General Assembly.

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MARK BRANDSGARD
Chief Clerk of the House

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3 29 Approved _____, 2008

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3 33 _____
CHESTER J. CULVER

3 34 Governor